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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,713

09/22/2003

Philip L. Rovner

ROVNER-PA-1

9712

7590

02/15/2005

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EXAMINER

HSIEH, SHIH YUNG

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,713

Applicant(s)

ROVNER, PHILIP L.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 2,3,5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2837

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-7, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Doren et al. (5,623,111) in view of Chang (6,130,376).

Regarding claim 1, van Doren et al. disclose a ligature comprising: a flexible body (col. 1, lines 37-39) formed as a unitary strip with first and second ends (Fig. 3); a first ferrule (11a), and a second ferrule (11b); and a tightening mechanism (15 and Fig. 3) for drawing said first and second ferrules together.

The difference between van Doren et al's ligature and claim 1 is that claim 1 recites said first end of said flexible body terminating inside said first ferrule; and said second end of said flexible body terminating inside said second ferrule.

Chang teaches a ligature having a first end of a flexible body (126) terminating inside a first band receiving means (128 in Fig. 8); and a second end of said flexible body terminating inside a second band receiving means (128) for applying a tightening bias to the ends of a flexible band (col. 4, lines 65-67).

It would have been obvious to one having ordinary skill in the art to modify van Doren et al's ligature as taught by Chang to include said first end of said flexible body terminating inside said first ferrule; and said second end of said flexible body

terminating inside said second ferrule for the purpose of applying a tightening bias to the ends of a flexible band.

Regarding claim 4, van Doren et al. disclose the claimed invention (col. 1. lines 37-39).

Regarding claims 6, 7, and 11, van Doren et al. disclose the claimed invention (Fig. 3).

Regarding claim 12, van Doren et al. disclose the claimed invention (13a, 13b).

Regarding claim 13, van Doren et al. disclose the claimed invention (Fig. 3).

3. Claims 2-3, 5, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


4. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 2 that said flexible body is trapezoidal-shaped and defined by two longitudinal slots and a web section position between them, in claim 5 that a first side of said rubberized fabric is defined by a textured pattern, and in claim 8 that each of said first and second ferrules is formed with a longitudinal notch, and said first and second ends of said flexible body terminate inside, respectively, said first and second ferrules by insertion of said body end into said notch and attaching to said ferrule as set forth in the claimed combination.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh

  
SHIH-YUNG HSIEH  
PRIMARY EXAMINER